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12 *Attorneys for Plaintiffs and the Proposed Classes*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

17 STACIA STINER, ET AL., on their own
18 behalves and on behalf of others similarly
19 situated,

19 Plaintiffs,

20 v.

21 BROOKDALE SENIOR LIVING, INC.;
22 BROOKDALE SENIOR LIVING
23 COMMUNITIES, INC.; and DOES 1 through
24 100,

24 Defendants.

Case No. 4:17-cv-03962-HSG

**STIPULATION ON SCHEDULE RE
MOTION FOR CLASS CERTIFICATION;
RECOMMENDATION OF MAGISTRATE
JUDGE BEELER RE SAME; AND
ORDER**

WHEREAS, Plaintiffs' motion for class certification is presently due to be filed on April 24, 2020;

WHEREAS, the parties believe that there is good cause to modify the schedule regarding the motion for class certification as set forth herein;

WHEREAS, on February 4, 2020, this Court held a telephonic case management conference and referred the parties to a discovery conference with Magistrate Judge Beeler to review the status of discovery regarding class certification, and to make a recommendation regarding the schedule on class certification;

WHEREAS, the parties submitted a Joint Statement Regarding Discovery Issues (Dkt. No. 163) to Magistrate Judge Beeler on February 21, 2020, which provided an extensive overview and analysis of the status of discovery and the time required to complete discovery necessary to class certification;

WHEREAS, discovery regarding class certification and the merits is ongoing, but a substantial amount of discovery remains to be completed, including document production, disability access site inspections, depositions, and other written discovery;

WHEREAS, Plaintiffs have served four sets of requests for production totaling 141 separate requests, not including subparts, and other written discovery, Defendants have produced more than 340,000 pages of documents in response to Plaintiffs' discovery, and Defendants continue to make a rolling production of documents in response thereto;

WHEREAS, Defendants anticipate making a production of more than one million pages of documents herein relating to both class certification and the merits, and anticipate that such production will be substantially completed by June 30, 2020;

WHEREAS, Defendants anticipate that the bulk of their production of documents and electronically stored information (ESI) will take place during April 2020 through June 2020, and Plaintiffs will require a period of time thereafter in which to analyze this voluminous production, conduct any follow up discovery, and to take fact witness and Fed. R. Civ. Proc. 30(b)(6) depositions regarding the subject matters discussed in Defendants' document production;

WHEREAS, Plaintiffs have conducted disability access site inspections of forty-nine (49) of Brookdale's current or former assisted living locations in California, and are continuing to conduct such site inspections at a minimum of 18 additional locations;

WHEREAS, Magistrate Judge Beeler conducted the discovery hearing on February 27, 2020;

WHEREAS, the parties represented to Magistrate Judge Beeler at the hearing that, in light of the class-related discovery remaining to be completed, they were in agreement that a deadline of November 20, 2020 for Plaintiffs to file their opening papers on class certification is reasonable;

WHEREAS, having reviewed the parties’ Joint Statement Regarding Discovery Issues, and having considered the argument of counsel, Magistrate Judge Beeler found that the parties’ proposal that Plaintiffs file their opening papers on class certification on November 20, 2020 was reasonable. *See* Dkt. No. 166 (Discovery Order) at 1-2 (“Given the amount of the discovery and the need to review and analyze it for the anticipated class certification motion, the schedule is reasonable. The parties will submit a joint stipulation and proposed order memorializing the dates.”);

WHEREAS, Plaintiffs' counsel Guy B. Wallace is co-lead counsel for Plaintiffs herein, and has primary responsibility for preparation of Plaintiffs' motion for class certification and discovery pertaining to class certification;

WHEREAS, Mr. Wallace is a quadriplegic and is currently suffering from a variety of health issues related to his disability, and was unable to devote any significant amount of time to this matter during the period between mid-November 2019 and early February 2020 as a result thereof;

WHEREAS, Mr. Wallace is presently receiving medical care and on leave, and will only be able to resume full-time work duties later in March 2020;

WHEREAS, the parties agree that the present schedule for class certification should be modified to compensate for the time lost to Plaintiffs' counsel due to illness;

WHEREAS, the parties have not sought any prior changes to the schedule regarding class certification, and the Court has not set any trial date herein; and,

1 **WHEREAS**, no party shall be precluded from seeking a further extension of the case
2 scheduling dates based on discovery status or other appropriate reasons.

3 **NOW, THEREFORE, IT IS HEREBY STIPULATED**, that: (1) Plaintiffs shall file their
4 motion for class certification by no later than November 20, 2020; (2) Defendants shall file their
5 opposition to the motion for class certification by no later than January 21, 2021; and (3) Plaintiffs
6 shall file their reply papers by no later than March 5, 2021.

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8 **IT IS SO STIPULATED.**
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12 DATED: March 6, 2020

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

14
15 By: /s/ Guy B. Wallace
16 Guy B. Wallace
17 Attorneys for Plaintiffs
18


19 DATED: March 6, 2020

O'MELVENY & MEYERS LLP

21 By: /s/ Jeffrey A. Barker
22 Jeffrey A. Barker
23 Attorneys for Defendants
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The hearing on Plaintiffs' motion for class certification shall take place on April 8, 2021 at 2:00 p.m.


HON. HAYWOOD S. GILLIAM JR.
United States District Judge